

## **EXHIBIT 2**

22       Reported by:  
23       BRENDA R. COUNTZ, RPR-CRR  
24       CSR NO. 12563  
25       Job No. 167662

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Deposition of KRIST A. NOVOSELIC taken  
at the law firm of Kelley Drye & Warren LLP,  
10100 Santa Monica Boulevard, 23rd Floor, Los  
Angeles, California 90067, on Tuesday, September  
10, 2019, before Brenda R. Countz, CSR No. 12563.

1 APPEARANCES OF COUNSEL:

2 FOR THE PLAINTIFF:

3 RIMON

4 BY: MARK LEE, ESQ.

5 JILL BERLINER, ESQ.

6 2029 Century Park East

7 Los Angeles, California 90067

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13 FOR THE DEFENDANTS MARC JACOBS INTERNATIONAL LLC,  
14 SAKS INCORPORATED, d/b/a SAKS FIFTH AVENUE and  
15 NEIMAN MARCUS GROUP LIMITED, LLC:

16 KELLEY DRYE & WARREN

17 BY: MICHAEL ZINNA, ESQ.

18 GEOFFREY CASTELLO, ESQ.

19 One Jefferson Road

20 Parsippany, New Jersey 07054

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REFERENCED EXHIBITS

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EXHIBIT	PAGE	LINE
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1                   LOS ANGELES, CA - TUESDAY, SEPTEMBER 10, 2019

2                   2:05 P.M.

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4                   KRIST A. NOVOSELIC,

5                   having been first duly sworn, was

6                   examined and testified as follows:

7

8                   EXAMINATION

9                   BY MR. ZINNA:

10                  Q.    Good afternoon.                                   02:05:20PM

11                  A.    Good afternoon.

12                  Q.    I'm Mike Zinna. I represent Marc  
13                   Jacobs, Neiman Marcus and Saks Incorporated.

14                   Could you state your name for the  
15                   record, please?   02:05:34PM

16                  A.    My Name is Krist Anthony Novoselic.

17                  Q.    I'm sure I'm going to butcher that and  
18                   I apologize for doing so.

19                  A.    Novoselic.

20                  Q.    Novoselic.                                   02:05:42PM

21                  A.    I'm a son of an itch.

22                  Q.    There you go.

23                   Have you ever been deposed before?

24                  A.    Yes.

25                  Q.    More than once?                                   02:05:49PM

1 Q. And do you remember when this T-shirt  
2 was created?

3 A. No.

4 Q. Okay. Moving to the graphics on the  
5 front page of this T-shirt. 02:40:41PM

6 Can you describe the graphics  
7 underneath the word "Nirvana" for me, please?

8 A. Okay. The graphic is a smiley face  
9 that's maybe a little too happy.

10 Q. Does it have X eyes? 02:41:09PM

11 A. Yes.

12 Q. So if I call it the X-eye smiley face,  
13 will you know what I'm referring to?

14 A. Yes.

15 Q. Do you know who came up with the idea 02:41:23PM  
16 for this X-eye smiley face?

17 A. No.

18 Q. Was it you?

19 A. No.

20 Q. Do you know if it could have been 02:41:34PM  
21 Mr. Grohl?

22 A. I don't know.

23 Q. Do you know if it could have been  
24 Mr. Cobain?

25 A. I don't remember. 02:41:47PM

1           Q.    Do you know who you would speak to to  
2        get an answer to that question?

3           A.    I would speak to Allen Draher.

4           Q.    Do you know if it would have been  
5        someone who Nirvana, Inc. would have hired to           02:42:16PM  
6        create artwork?

7           A.    I don't know.

8           Q.    And do you know if it was created by  
9        someone who was an employee of Sub Pop Records?

10          A.    I don't know.

02:42:40PM

11          Q.    And do you know if it was created by  
12        someone who is an employee of the David Geffen  
13        Company?

14          A.    I don't know.

15          Q.    Was there a specific reason that the  
16        X-eye smiley face was originally created?

02:42:50PM

17          A.    We needed to make it look like that old  
18        T-shirt. And then this image had been around and  
19        that's all I could really remember. It didn't  
20        seem like it was a new idea.

02:43:23PM

21          Q.    Do you remember where it was first  
22        drawn for use by Nirvana?

23          A.    There was a record release party in  
24        Seattle and I can't recall the date. As far as I  
25        know, that's my first recollection.

02:43:51PM

1       The witness will then have 30 days to read, sign  
2       and correct it. We then will send the corrected  
3       manuscript to Mr. Zinna.

4                   And we would like a copy.

5                   MR. ZINNA: Agreed. Thanks to all.           03:30:26PM

6                   (Whereupon, the deposition was  
7                   concluded at 3:30 o'clock p.m.)

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DECLARATION

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3                   I hereby declare I am the deponent in  
4                   the within matter; that I have read the foregoing  
5                   deposition and know the contents thereof, and I  
6                   declare that the same is true of my knowledge,  
7                   except as to the matters which are therein stated  
8                   upon my information or belief, and as to those  
9                   matters, I believe it to be true.

10                  I declare under the penalties of perjury  
11                  of the State of California that the foregoing is  
12                  true and correct.

13                  Executed on the \_\_\_\_\_ day of \_\_\_\_\_,  
14                  2019, at \_\_\_\_\_, California.

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W I T N E S S

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1 STATE OF CALIFORNIA ) SS

2 COUNTY OF LOS ANGELES )

3 I, BRENDA R. COUNTZ, Certified Shorthand  
4 Reporter No. 12563 for the State of California,  
5 do hereby certify:

6 That prior to being examined, the  
7 witness named in the foregoing deposition was  
8 duly sworn to testify the truth, the whole truth,  
9 and nothing but the truth;

10 That said deposition was taken down by  
11 me in shorthand at the time and place therein  
12 named and thereafter transcribed and that the  
13 same is a true, correct, and complete transcript  
14 of said proceedings.

15 Before completion of the deposition,  
16 review of the transcript [ ] was [ ] was not  
17 requested. If requested, any changes made by the  
18 deponent during the period allowed are appended  
19 hereto.

20 I further certify that I am not  
21 interested in the outcome of the action.

22 Witness my hand this 20th day of September, 2019.

23   
24

25 Brenda R. Countz, CSR No. 12563

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ERRATA SHEET

2 Case Name:

3 Deposition Date:

4 Deponent:

5	Pg.	No.	Now Reads	Should Read	Reason
6	_____	_____	_____	_____	_____
7	_____	_____	_____	_____	_____
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19	_____	_____	_____	_____	_____
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21 Signature of Deponent

22 SUBSCRIBED AND SWORN BEFORE ME

23 THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019.

24 \_\_\_\_\_

25 (Notary Public) MY COMMISSION EXPIRES: \_\_\_\_\_